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SUMMARY RECORD OF THE 41st MEETING

Chairman: Mr. TSHERING (Bhutan)

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The meeting was called to order at 10.40 a.m.

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(d) COMPREHENSIVE IMPLEMENTATION OF AND FOLLOW-UP TO THE VIENNA DECLARATION AND PROGRAMME OF ACTION (continued) (A/50/36)

(e) REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS (continued) (A/50/36)

1. Mr. TORELLA DI ROMAGNANO (Italy) said that the representative of Spain, speaking on behalf of the European Union under agenda item 112, had invited the Committee to consider two issues: the problem of reservations to human rights instruments and the Second Optional Protocol of the International Covenant on Civil and Political Rights. Increasing numbers of States had been using reservations in a way that ran counter to the ruling of the Vienna Convention on the Law of Treaties. If, when ratifying a convention, a State declared under the terms of its reservation that it was bound by the instrument only in so far as it was not contrary to domestic legislation, then in real terms it had not accepted any international obligation, and the appearance of its name on the list of signatories was irrelevant.

2. Commission on Human Rights resolution 1995/22 had, inter alia, urged States to accede to the Optional Protocols to the International Covenant on Civil and Political Rights. Accession to the Second Optional Protocol made a State's

commitment not to dispose of human life irreversible. Italy considered the question of capital punishment as a very sensitive human rights issue, and had always requested that it should be considered in international forums in a constructive and cooperative spirit. In 1994, the Italian Government had proposed a moratorium on executions until the year 2000 and eventual ratification by all retentionist States of the Second Optional Protocol.

3. Various international instruments provided that the death penalty, where enforced, should be applied only to the most serious crimes, and that juveniles, pregnant women, new mothers and insane persons should be exempt. They also provided that capital punishment should be carried out without inflicting unnecessary pain. While the abolition of capital punishment was not yet a fully recognized international obligation, the international community should take action to curb the massive violation of rules concerning the personal and objective limitations and conditions on the execution of death sentences.

4. With reference to his Government's proposal that a world court on human rights should be set up, he said that whenever a human rights problem was under consideration, the first question raised was whether or not the individual had a real and effective means of redress. That was most commonly offered through national judges. However, the need to provide the international system of human rights with its own judicial organization had long been felt at the regional level, as illustrated by the claims mechanism of the European Convention on Human Rights. Other regional organizations had followed that example, adapting it to their different systems. His Government believed that the establishment of an international court with competence over internationally protected human rights within the framework of the United Nations would provide a real guarantee of universal respect for those laws, and he would welcome the responses and proposals of other States.

5. Mr. AQUARONE (Netherlands) said that recent events had led many to consider any individual as a potential violator of human rights, and any objectionable act as a possible human rights violation. However, human rights legislation had been introduced to protect the individual against unfair treatment by the State, and it was therefore central to the concept of human rights that only the State and its agents could commit violations of human rights, since it was the sole recognized authority with power over those residing within its borders. The illegal acts committed by criminals or terrorists were criminal offences, and it would be wrong to consider them as human rights violations, since that might tempt States to use the misconduct of others to condone their own violations.

6. Human rights instruments represented an opportunity for States to recognize their own fallibility, demonstrate their attachment to their people and the seriousness of the commitments which they had undertaken. The Netherlands firmly believed that the effective promotion and protection of human rights was one of the cornerstones of a democratic State, as well as the legitimate concern of the international community.

7. One of the main concerns of his country's foreign policy was to strengthen the international legal order. His delegation therefore firmly supported the signature, ratification and implementation of the international human rights instruments, believing that those texts empowered the individual against unfair

treatment by the State and contributed to human dignity. It was encouraging that such a large number of States had ratified the Convention on the Rights of the Child. He would have liked to believe that that reflected a truly universal political commitment to the principles of the Convention that would lead to an improvement in the situation of children world wide. However, many States, in becoming party to the Convention, had entered numerous, sweeping reservations. While reservations were legitimate in international treaty law, it was understood that such reservations could not be contrary to the purpose of a treaty in question. It was also understood that international conventions were part of the legal corpus which enjoyed precedence over national legislation. States were therefore required to examine their own legislation, and where necessary, to modify it, before entering into a treaty obligation.

8. With reference to the Convention on the Rights of the Child, the Netherlands had examined possible conflicts very closely, and had ensured that national legislation was in line with its international commitments. That had taken considerable time and effort, which meant that his country had been able to become party to the Convention only in 1994. Some States, however, declared they would apply the Convention only in so far as it was not contrary to national legislation, thereby in fact refusing to undertake any new obligations under the Convention. He therefore urged all States which had made reservations to human rights treaties to which they had become a party to review those reservations regularly, with a view to ultimately withdrawing them.

9. The purpose of optional protocols was to enhance the application of a given convention. Careful consideration had to be given to the desirability of optional protocols, to ensure they did not weaken the provisions of the convention. The Netherlands considered that the Draft Optional Protocol to the Convention against Torture weakened implementation of the Convention, and was therefore taking a cautious approach to it.

10. The treaty bodies had made an important contribution to the implementation of human rights instruments, as well as to their development: new views and interpretations had first appeared within those bodies, before becoming more widely acceptable to States parties. It was important that the independence of treaty bodies should be further strengthened, and that members be selected exclusively on the basis of their personal qualifications. Furthermore, the treaty bodies were in great need of increased financial and human resources if they were to carry out their tasks adequately.

11. Mr. YOOGALINGAM (Malaysia) said that in the search for alternative approaches to the promotion and protection of human rights, it should be recalled that some of the alleged inadequacies in the promotion of civil and political rights were often rooted in economic and social injustices. In that context, the Vienna Declaration and Programme of Action, which reaffirmed the right to development as an integral part of human rights, was a sound basis on which to build cooperation in all human rights issues.

12. The Working Group on the Right to Development, which had been asked by the Commission on Human Rights to identify obstacles to and ways of realizing the right to development by all States, had recommended that the debate on the right to development should be pursued through an intergovernmental group of experts

which would elaborate a global strategy for the promotion of the full realization of that right. Unfortunately, since the report of the Assistant Secretary-General for Human Rights containing that recommendation had not been made available to the Committee, it was difficult to arrive at any conclusions. The Committee had to decide whether the mandate of the Working Group should be extended, and whether the Commission on Human Rights should be instructed to study the reports of the Working Group at its fifty-second session.

13. His delegation paid tribute to the former Special Rapporteur on the situation of human rights in the former Yugoslavia, saying he had done much to bring to the attention of the international community the violent acts of terrorism committed by the Serbs against the people of Bosnia and Herzegovina. However, the international community remained unable to stop such wanton violations of human rights, and it was not surprising that the Special Rapporteur had felt compelled to resign by the failure of the United Nations to protect the population of the safe havens guaranteed by international agreement. The international community should give every support to the International Tribunal for the former Yugoslavia to enable it to carry out its task.

14. While the Special Rapporteurs had received extensive support from the Governments of Bosnia and Herzegovina, the Republic of Croatia and the former Yugoslav Republic of Macedonia, the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Bosnian Serbs had repeatedly refused to allow the Special Rapporteur access to the areas under their control. Such defiance must be sanctioned by the international community, and immediate and unimpeded access to all Bosnian Serb-held territory must be allowed. Investigations should be carried out immediately to identify the sites of mass graves and places where mass and summary executions had been carried out. Countries in possession of documentary evidence should assist the International Tribunal in preparing their indictment of war criminals. Attention should also be drawn to the gross violation of human rights against the non-Serb population of Kosovo, Sanjak and Vojvodina. Lastly, he wished to reiterate his country's commitment to the promotion of all human rights for the betterment of humanity.

15. Mrs. KOVALSKA (Ukraine) said that the protection of the rights of national minorities was a global concern, since almost no countries had ethnically homogeneous populations. In Ukraine, where national minorities made up one quarter of the population, the safeguarding of their rights through the adoption and implementation of legislation in line with international standards was a priority.

16. For decades, the Government of the former Soviet Union had pursued policies aimed at weakening national identity in order to create an artificial unity. The impact of those policies on the situation of national minorities must be taken into account by both policy makers and United Nations monitoring bodies. In Ukraine, the problem of resettling descendants of Crimean Tartars forcibly deported under the previous regime had led to inter-ethnic tension. International support was needed to supplement domestic efforts in that area, and Ukraine welcomed the contribution of the United Nations Development Programme office in Ukraine.

17. After the collapse of the Soviet Union, millions of people had found themselves living as members of a minority outside their native countries. The level of protection afforded them by the successor States to the Soviet Union varied and was determined by the domestic legislation in force and the extent of each country's economic difficulties. Ukraine was taking steps to ensure that its policy of reviving the national identity did not infringe upon the rights of its minorities. Funds were allocated from the State budget to meet the specific educational and cultural needs of those groups. It was therefore a cause for concern that Ukrainians living outside the country were denied the right to preserve their language and culture. Certain countries had adopted legislation discriminating against minorities. Equally reprehensible were the attempts by some States to encourage the separatist aspirations of their nationals residing as minorities in neighbouring countries and to exploit such aspirations as a pretext for territorial claims. In some cases, the institution of dual citizenship was being abused in an attempt to extend Governments' jurisdiction to citizens of other sovereign States.

18. Ukraine's experience had shown that effective bilateral mechanisms were necessary to provide States with the legal means to protect their nationals living in neighbouring countries. Ukraine had proposed a set of principles to regulate relations between States with regard to their national minorities: mutual respect of sovereignty, non-interference in domestic affairs, equal partnership and non-use of political or economic pressure. Ukraine had noted with satisfaction the attention accorded by the High Commissioner for Human Rights to the need for regional cooperation to protect the rights of minorities. The framework European Convention for the Protection of National Minorities was a valuable document in that respect. A mechanism should be established to allow States non-members of the Council of Europe to accede to it. While Ukraine appreciated the report of the Secretary-General on effective promotion of the Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities (A/50/514), the information it contained was fragmentary and should be supplemented by data gathered using the questionnaire system so as to allow for more detailed analysis. More effective international monitoring was needed to make Governments more accountable for their domestic policy on the protection of the rights of minorities, since that was a prerequisite for international peace and stability.

19. Mr. WILLIS (Australia) said that the human rights treaty system was one of the great achievements of the United Nations, but the system's growth was now threatening its effectiveness: heavy reporting obligations resulted in overdue reports, and the system was inadequately financed. His delegation believed that an overhaul of the system was necessary along the lines suggested by Mr. Philip Alston in his updated study (A/CONF.157/PC/62/Add.11/Rev.1). Australia commended his proposals for the development of a strategy to achieve universal ratification of the six core human rights instruments by the year 2000; the strengthening of the role of the international treaty bodies in encouraging national level institutions to safeguard human rights; the identification of measures to address the problem of overdue reports; and the replacement of comprehensive periodic reports by specifically tailored documents so as to reduce the number of reports required. His delegation also welcomed the recommendations by the persons chairing human rights treaty bodies: first, that the exchange of information between non-governmental organizations and the

treaty bodies should be improved and, second, that each treaty body should consider how it could most effectively incorporate gender perspectives into its work.

20. His delegation believed that, in addition to strengthening the human rights treaty system, the international community must accord greater attention to the development of alternative approaches for improving the effective enjoyment of human rights. The strengthening of independent national institutions was vital for promoting the observance of human rights. He wished to draw attention, in that regard, to the recommendation of the World Conference on Human Rights (Vienna, 1993) that each State should draw up a national action plan identifying measures to enhance the promotion and protection of human rights. Australia's own national action plan had proved to be a valuable way of setting an agenda for positive action. Measures at the national level must be complemented by strengthened subregional and regional cooperation.

21. The Vienna Conference had demonstrated the important role played by the provision of advisory services and technical assistance in helping States to strengthen the institutions of democracy and human rights. In Cambodia, for example, the office of the Centre for Human Rights and the Special Representative of the Secretary-General were undertaking ground-breaking work to assist the Government of that country to meet its human rights obligations under the instruments to which it had become a party. Australia urged the international community to continue its support for that process. Australia supported the proposed restructuring of the Centre for Human Rights. While it was to be hoped that the Centre would be allocated the resources necessary to implement the changes, it was equally important that those resources should be used efficiently. Another important achievement of the Vienna Conference had been the creation of the post of High Commissioner for Human Rights. Since his appointment, the High Commissioner had worked steadily to strengthen the United Nations human rights treaty system and to improve coordination of its activities to promote human rights. Australia had been pleased to provide his office with the services of a high-level expert.

22. A fundamental outcome of the Vienna Conference had been the recognition that international scrutiny of a country's human rights record was legitimate. His delegation urged the Governments of Cuba and the Islamic Republic of Iran to permit visits by the Special Rapporteur and Special Representative of the Secretary-General, respectively, and shared the international community's concern at the human rights situation in those countries. In Iraq, gross violations of human rights, including arbitrary arrest, torture and summary executions, continued. The repression of the Kurds and the Marsh Arabs was reprehensible.

23. The situation in Sudan required close monitoring. Reports of intimidation, detention and torture of opponents of the Government continued. His delegation urged the Sudanese Government to negotiate a settlement to the civil conflict, to abide by the International Covenant on Civil and Political Rights to which it was a party and to cooperate fully with the Special Rapporteur.

24. Australia welcomed the release of Daw Aung San Suu Kyi as a positive development in Myanmar and encouraged the Government to engage in a substantive

political dialogue with her and other political leaders. His delegation also called on the Government to release all remaining political prisoners. Regrettably, the overall human rights situation in Myanmar continued to be of grave concern to the international community. His delegation again called on the Myanmar authorities to fully respect their international human rights obligations. It also urged the Government to broaden participation in the National Convention and to operate the Convention on the basis of genuine consensus.

25. His Government actively supported the suspension of Nigeria's membership of the Commonwealth, at the recent meeting of Commonwealth heads of Government, because of its ongoing failure to adhere to a number of fundamental principles of the Harare Declaration, including respect for human rights. The execution of Ken Saro-Wiwa and the other Ogoni activists, after a severely flawed legal process, was but one further manifestation of the Nigerian Government's refusal to grant basic rights to its people. His Government continued to strongly urge Nigeria to restore democracy to the country and to protect and promote fundamental human rights.

26. The critical breakthrough provided by the Dayton agreement provided the first real hope that the horrific human rights abuses which had characterized the conflict in the former Yugoslavia would come to an end and that the perpetrators of those abuses would be brought to justice. Human rights protection must be an integral part of the peace implementation process because a lasting peace would depend crucially on the development of a culture of human rights. Early prosecution of the perpetrators of human rights abuses would also be important for a successful peace-building process. Australia was committed to supporting the International Tribunal for the former Yugoslavia and called on all the countries of the former Yugoslavia to cooperate fully with the Tribunal.

27. While Australia was very pleased that a degree of stability had returned to Rwanda and Burundi, peace remained tenuous. The international community must continue to support the restoration of stability and the safe return of refugees in Rwanda and Burundi to avoid further violence and to foster regional security. The task of promoting and protecting all human rights and fundamental freedoms must remain central to all the Organization's endeavours to promote peace and prosperity throughout the world.

28. Mr. LI (China), stressing the importance of international human rights instruments and the corresponding monitoring mechanisms, said that there were a number of problems with regard to the actual operation of the monitoring system. First, States parties were overburdened with too many reports. Many countries, especially the developing countries, were weighed down by the burden of submitting timely reports that met the requirements. Those difficulties constituted the main reason for the large number of overdue reports. That was also why some States hesitated to join a convention, thus affecting its universality. Secondly, treaty bodies overlapped, and efficiency was low. At present, there were too many human rights monitoring bodies without proper coordination among them. Reports submitted to various bodies were repetitive, as were the questions directed to Governments under the provisions of the treaty bodies. Furthermore, some treaty bodies failed to strictly fulfil their mandated responsibilities by either going beyond their terms of reference or

repeating the work of other bodies. The effective implementation of the various human rights instruments would be facilitated by reforming the reporting system and ensuring that treaty bodies strictly fulfilled their responsibilities within their respective spheres of competence. In order to function well, treaty bodies must abide by the principles of respect for State sovereignty and non-interference in internal affairs. His delegation was prepared to join others in working to enhance the effective implementation of human rights instruments.

29. The Chinese Government had always appreciated and supported United Nations efforts to promote human rights and fundamental freedoms in accordance with the purposes and principles of the Charter. China had also actively participated in the drafting and formulation of many United Nations human rights instruments, as evidenced in the fact that it had signed, ratified and acceded to 15 international human rights conventions. At the same time, China's national legal system had been strengthened; for example, a number of specific laws had been promulgated to protect the rights and interests of women and children. National laws concerning the prohibition of torture had also been improved. The Chinese Government was conscientiously implementing its obligations under conventions it had acceded to, and was consistently preparing and submitting reports under the provisions of those conventions. In the course of producing those reports, it always solicited the views of a wide range of governmental departments, civic societies and non-governmental organizations. His delegation was confident that the reports already submitted or to be submitted by the Chinese Government would help the international community obtain a comprehensive and detailed understanding of China's implementation of relevant human rights conventions.

30. Mrs. ALBRIGHT (United States of America) said that, although there was a widespread trend towards democracy in the world, it was not universal. Many Governments continued to rely not on the consent of the governed for their authority, but on coercion. Myanmar was one example. While it was encouraging that the Government had released a number of political prisoners, including Aung San Suu Kyi, it was very discouraging that it had failed thus far to begin a serious political dialogue with her and other representatives of the democratic movement and of ethnic groups. It was discouraging that the National Convention called to draft a new constitution was not representative of the people of Myanmar, and that the Government had done so little to lift the cloud of fear and repression caused by its past and current policies. Her Government urged the General Assembly to restate, in clear and compelling terms, its support for democracy and respect for internationally recognized human rights in Myanmar. The Assembly should call for the release of the remaining political prisoners and for an end to torture, forced labour and forced porterage, and disappearances and killings of civilians by the military.

31. The release of Aung San Suu Kyi provided at least the hope that in Myanmar - with sufficient international interest and support - the human rights situation would improve. In Iraq, it was far harder to find grounds for hope. The policies of Saddam Hussein were unchanged; his abuses against the Iraqi people continued, and so did his lies to the world. For years, the Iraqis had denied that they possessed a programme to produce biological warfare agents. In 1995, however, it had been revealed that they had produced enough anthrax and

botulinin to kill every man, woman and child on earth, and that, prior to the Persian Gulf War, they had placed those deadly poisons in artillery shells. One of the great services the United Nations could perform on behalf of human rights was to ensure that Iraq was never again permitted to build weapons of mass destruction. Iraq's regime had rejected Security Council resolutions specifically designed to allow the purchase of humanitarian goods. It continued to jail, torture and execute dissidents and those thought to harbour dissenting thoughts. In the north, it continued to block relief shipments. In the south, it had destroyed 90 per cent of the marshes and killed or forced into exile 80 per cent of the population. Moreover, in a failed effort to hide its abysmal record from the world, it had continued to deny permission to visit to the Special Rapporteur. Iraq must comply with relevant Security Council resolutions, including resolution 688 (1991), and halt the repression of its own people.

32. Iraq was not alone in its region as a consistent and gross violator of internationally recognized human rights. For years, Iran had caused similar concerns. Teheran's effort to cover up had not obscured repeated instances of torture, summary execution, arbitrary detention, unexplained disappearances, absence of due process and suppression of civil liberties and religious freedom. In addition, the Special Representative on human rights in Iran had not been allowed to visit since 1991. Her Government called upon Iran to end its repression of the Iranian people, and to permit a visit by the new Special Representative.

33. Elsewhere around the world, the United States remained concerned about the lack of democracy and respect for internationally recognized human rights in a number of countries, including Cuba. Today, the Castro regime was the only Government in the Western hemisphere that denied its citizens basic freedoms of association and speech. The United Nations High Commissioner for Human Rights had visited Cuba in 1994, but that visit had not led to any overall improvements in human rights. In April, a military tribunal had sentenced human rights leader Francisco Chaviano to 15 years in jail on trumped-up charges. Furthermore, Cuba continued to deny entry to a United Nations Special Rapporteur on human rights. Her Government called upon Cuba to recognize the right of political parties and independent labour unions to organize, to permit freedom of assembly and freedom of speech, to respect due process, to allow national and international humanitarian groups to inspect prison conditions and to allow the Special Rapporteur to visit.

34. Nigeria was another country where a fundamental change in the attitude of the Government towards human rights was needed. The execution on 10 November of Ken Saro-Wiwa and eight others had been a lawless act, masquerading as an act of law, by a regime that misunderstood the very purpose of law. The current Nigerian Government was engaging in a full range of abuses, including arbitrary detention, torture, the harassment of human rights monitors, a ban on opposition political activity and restrictions on free speech and association. The Government also had systematically undermined the credibility, fairness and effectiveness of the Nigerian judiciary. Her Government called upon the Government of Nigeria to restore civilian democratic rule promptly and to demonstrate respect for human rights by releasing political prisoners,

reinstituting habeas corpus, lifting restrictions on political activity and guaranteeing freedom of expression and association.

35. The Government of the Sudan remained an egregious violator of internationally recognized human rights. Over the past year, there had been increasing reports of slavery and forced labour of women and children belonging to racial, ethnic and religious minorities; of atrocities against indigenous peoples; of indiscriminate aerial bombardments against civilian targets, and of unaccompanied minors being conscripted into military service. Yet her delegation had not heard of any investigations - for which her Government reiterated its request - into the killings of Sudanese nationals employed by foreign relief organizations and Governments. The only silver lining in the very dark cloud of Sudan's human rights record had been the release in August 1995 of a number of political prisoners and the Government's announced intention to proceed with free elections in 1996. The civil war in the Sudan had been an ongoing tragedy, in which none of the factions had taken seriously the basic human rights of the Sudanese people. The time had come for the Government and for opposition political leaders to resolve their differences on the basis of dialogue, democracy and decency.

36. The Chinese Government's human rights practices had long been a matter of concern to the United States, particularly actions restraining the peaceful expression of dissenting political, social and religious views. Many Americans were profoundly concerned by the recent formal arrest of the well-known dissident, Wei Jingsheng. Her Government looked to the Chinese Government to take specific steps to conform to international human rights norms, including releasing persons detained solely for the peaceful expression of their opinions and preserving the unique cultural, linguistic and religious heritage of Tibet. Human rights issues had properly been the subject of continuing formal and informal bilateral exchanges between her Government and that of China. Although the dialogue had been interrupted, it was to be hoped that it would soon resume in light of recent conversations between the two Presidents.

37. In recent years, what had been referred to historically as the "nationalities problem" had re-emerged in numerous areas around the world. The exploitation of ethnic and nationalist passions had produced bloody conflict in Bosnia, Rwanda, Liberia, the Caucasus and elsewhere. Frequently the victims of such conflicts were not those trained and prepared for war, but rather persons who were abused not for what they had done but for who they were.

38. In Rwanda and Burundi, the success of diplomatic efforts to prevent renewed conflict would depend partly on the willingness of the Governments involved to balance security needs with respect for human rights and dialogue.

39. In the former Yugoslavia, a breakthrough had occurred. If implemented, the peace agreement initialled last week would bring an end to the worst abuses of human rights seen on the continent of Europe since the end of the Second World War. Under the agreement, the rights of the people of Bosnia and Herzegovina would be recognized by the Constitution and safeguarded by a human rights ombudsman and a special human rights court. Those held in prisons or labour camps for reasons related to the conflict would be released. All parties had agreed to cooperate with the International Committee of the Red Cross, United

Nations agencies and human rights monitoring organizations. A commission for refugees and displaced persons would be created to settle disputes resulting from dislocations caused by war. Each party was obliged to cooperate fully with the international investigation and prosecution of war crimes.

40. Ethnic violence and intolerance were the greatest causes of instability and human rights violations in the world. The founders of the United Nations, like the founders of the United States, had viewed the nation not as an end in itself, but as an instrument of law, justice, freedom and tolerance. The greatest divide in the current world was between those ensnared and by the habits and hatreds of the past and those striving to build a future. Accordingly, her country appealed to all Governments to support efforts to bring lasting peace to troubled regions, recognize the unbreakable link between human development and human freedom, and abide by the Universal Declaration of Human Rights.

41. Mr. PORTALES (Chile) said that the mechanisms set up to punish States that had violated international human rights should be complemented by mechanisms for taking specific action to help States endeavouring to improve their democratic institutions and observance of human rights. That was particularly necessary with regard to countries that still did not have a strong democratic culture or were at a low level of economic and social development. Significantly increasing the resources for the advisory services of the Centre for Human Rights would be a first step in that direction and could enhance the effectiveness of the Centre's work by enabling it to conclude a large number of agreements with national human rights institutions, universities, foundations and non-governmental human rights organizations.

42. In order to make best use of scarce resources, it should be kept in mind that the Centre's programmes were intended for countries that were firmly committed to strengthening the rule of law. In that connection, he underscored the valuable support provided by the Centre to countries in transition towards democracy. In helping States based on the rule of law, all United Nations specialized agencies should include among their priorities the development of programmes for countries that were moving in that direction. International cooperation must strengthen the moral and material welfare of the greatest number of persons. The scarcer the resources, the greater the moral imperative to use them in a manner that really benefited those who needed them the most and could make best use of them. The various international financial and technical assistance agencies linked to the United Nations system should also follow that approach. In that manner, the major priorities of the system of international cooperation would be based on the universal values that underpinned the essentially humanitarian objectives of such cooperation.

43. Mr. TURK (Slovenia) said that tolerance was a universally shared value that transcended the needs of any particular region, cultural or legal tradition, or political system. Tolerance was a value which encompassed respect for pluralism and genuine acceptance of cultural diversity. Efforts to promote tolerance should be accompanied by action to prevent and combat intolerance. In its 50 years of existence the United Nations had made an important contribution to building a more tolerant world, principally through the establishment of legal

norms. Much remained to be done, however, in terms of their practical implementation.

44. The 1993 World Conference on Human Rights had reaffirmed the universality of human rights norms. The various reports of the Special Rapporteurs demonstrated their high degree of commitment and the useful work that they had carried out. In that connection, he paid special tribute to Mr. Tadeusz Mazowiecki, the Special Rapporteur on the situation of human rights in the former Yugoslavia, for his objectivity and commitment to human rights. It was hoped that other Special Rapporteurs would be able to draw on the experience gained by him in the preparation of their reports.

45. The report on effective promotion of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (A/50/514), which marked a new stage in the Organization's efforts to address the issues of minorities, provided information on the policies of Governments with regard to different minority rights and the activities of various bodies in that field. Only a few Governments had provided information on their policies and it should be kept in mind that those issues must be dealt with in all their regional diversity. Such information need not necessarily be based on government reports. The working group on minorities established by the Subcommission on Prevention of Discrimination and Protection of Minorities and the Centre for Human Rights, once it was reformed, could provide meaningful input in that regard. In that way, the United Nations would develop a sophisticated capability for providing useful policy advice.

46. Much of the recent developments with regard to minority issues had taken place in Europe. The Council of Europe and the Organization for Security and Cooperation in Europe had made much progress at the legislative and practical levels. There was no need for the United Nations to duplicate that work. Careful attention, however, should be given to the global dimension of those issues. Studying the experience in other regions should be a priority of the working group on minorities. In addition, the Subcommission itself should pay more attention to the issues of minorities and give greater consideration to the reports of the working group.

47. The Working Group on the Right to Development established by the Commission on Human Rights had given considerable attention to the question of obstacles to the realization of that right. Those obstacles could not be fully understood, let alone effectively addressed, without reference to fundamental human rights, particularly civil and political rights. Accordingly, the Working Group should focus on the observance of human rights, which was essential in order to eliminate the obstacles to the right to development. Failure to observe basic civil rights to a fair trial and freedom of expression, as had been the case in Nigeria recently with the execution of Ken Saro-Wiwa and other prominent human rights activists, destroyed confidence in the judiciary, frightened people and impeded their empowerment.

48. Progress was being made in implementing the Plan of Action for the United Nations Decade for Human Rights Education. His delegation particularly welcomed projects such as international consultation to consider the relevance of educational theories and practices in human rights education and the

establishment of a media advisory board. Educational systems and the media were important factors in human rights education and should be given greater attention. In particular, the media could do more to strengthen the culture of tolerance and human rights and the United Nations should encourage their role in that regard. Lastly, he hoped that the restructuring of the Centre for Human Rights would proceed speedily and that the Centre would be given adequate human and financial resources to carry out its work.

AGENDA ITEM 107: ADVANCEMENT OF WOMEN (continued) (A/C.3/50/L.24)

49. Ms. ENKHTSETSEG (Mongolia), introducing draft resolution A/C.3/50/L.24, on improvement of the situation of women in rural areas, said that Cape Verde, Georgia, Jamaica, Kazakstan, Nigeria, Thailand, Sudan and the United Republic of Tanzania had joined the sponsors. The overall situation of women in rural areas, particularly in developing countries, remained highly unsatisfactory. The draft resolution called for a number of measures to be taken at both the national and international level in order to assist them. The text of the draft resolution reflected the consensus language in the corresponding part of the Beijing Platform for Action and it was hoped that it would be adopted by consensus.

50. Mr. JALLOW (Gambia) said that his delegation attached particular importance to that item and wished to sponsor the draft resolution.

51. The CHAIRMAN said that Botswana, El Salvador, Ghana and Liberia also wished to join the sponsors of draft resolution A/C.3/50/L.24.

The meeting rose at 12.55 p.m.

UNITED NATIONS

General Assembly

FIFTIETH SESSION

Official Records

THIRD COMMITTEE
42nd meeting
held on
Wednesday, 29 November 1995
at 10 a.m.
New York

SUMMARY RECORD OF THE 42nd MEETING

Chairman: Mr. TSHERING (Bhutan)

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The meeting was called to order at 10.30 a.m.

AGENDA ITEM 112: HUMAN RIGHTS QUESTIONS (continued) (A/50/3, A/50/76, A/50/83, A/50/130, A/50/131, A/50/138-S/1995/299, A/50/139, A/50/169-S/1995/343, A/50/215-S/1995/475, A/50/254-S/1995/501, A/50/267, A/50/345, A/50/407, A/50/425-S/1995/787, A/50/437, A/50/475, A/50/483, A/50/523-S/1995/845, A/50/675-S/1995/884, A/50/689-S/1995/890 and A/50/707)

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(c) HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES (continued) (A/50/57, A/50/61-S/1995/16, A/50/69-S/1995/79, A/50/71-S/1995/80, A/50/81, A/50/92-E/1995/15, A/50/96, A/50/178, A/50/183, A/50/207, A/50/220, A/50/268-S/1995/531, A/50/269-S/1995/536, A/50/281, A/50/285-S/1995/573, A/50/287-S/1995/575, A/50/296-S/1995/597, A/50/302-S/1995/594, A/50/329, A/50/354-S/1995/696, A/50/358-S/1995/712, A/50/441-S/1995/801, A/50/471, A/50/558, A/50/567, A/50/568, A/50/569, A/50/661, A/50/662, A/50/663, A/50/709-S/1995/915, A/50/727-S/1995/993, A/50/734, A/50/767 and A/50/782; A/C.3/50/9)

(d) COMPREHENSIVE IMPLEMENTATION OF AND FOLLOW-UP TO THE VIENNA DECLARATION AND PROGRAMME OF ACTION (continued) (A/50/36)

(e) REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS (continued) (A/50/36 and A/50/743)

1. Ms. ARYSTANBEKOVA (Kazakstan) said that the visits by the High Commissioner for Human Rights to more than 30 States throughout the world had served to broaden his cooperation with Governments in developing national human rights strategies. Her delegation believed that the High Commissioner would continue to play a decisive role in enhancing the effectiveness of the Organization's rights machinery, while striving to achieve a higher level of commitment to the protection of human rights at the national and international levels. The further strengthening of the Centre for Human Rights would enable it to carry out its mandate effectively. In the context of the United Nations Decade for Human Rights Education, her delegation was confident that the Centre would, in cooperation with the United Nations Educational, Scientific and Cultural Organization (UNESCO) and other relevant United Nations institutions, continue to assist countries in developing their national programmes for education in the field of human rights.

2. The Vienna World Conference on Human Rights and the Fourth World Conference on Women had reaffirmed that the full and equal enjoyment by women of all human rights and fundamental freedoms was a priority area of United Nations activity. Implementing the recommendations of those Conferences would require coordinated action by the entire international community and improved cooperation between the Office of the High Commissioner for Human Rights, the Commission on the Status of Women, the Commission on Human Rights and the Committee on the Elimination of Discrimination against Women.

3. Kazakstan's human rights policy was based on the principles of the primacy of international human rights standards, the building of a civil society and a State based on the rule of law and State support for and the free development of social and institutional systems for the protection of human rights. In August 1995, her country had adopted a new Constitution which established the basic principles governing the existence of Kazakstan as an independent State. Those included harmony among the various national groups and political stability based on the equal rights of all citizens, the unity of its multinational people and the resolution of all State issues through peaceful, democratic means.

4. In early 1994, Kazakstan had established a human rights commission to advise on human rights issues and assist in the formulation of human rights policy. The commission monitored the human rights situation in the country and made proposals for bringing national legislation into line with the international human rights instruments to which Kazakstan was a party. The commission had sponsored the State human rights programme, which was based on the principles recognized by the international community and enshrined in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights. Her Government, which consistently pursued a policy based on the comprehensive implementation of human rights and fundamental freedoms for all citizens, would continue to work for implementation of the decisions of the Vienna Conference.

5. Mr. RODRIGUEZ (Spain), speaking on behalf of the European Union and of Bulgaria, Cyprus, Hungary, Malta, Poland, Romania and Slovakia, said that the Vienna Declaration and Programme of Action had shaped a new vision of the promotion and protection of human rights and fundamental freedoms. The implementation of human rights was a cornerstone of efforts to achieve stability, peace and development. The coordination and strengthening of human rights activities was the best way to ensure that the development and peace-building objectives of the international community were achieved.

6. In addressing preventive activities in the former Yugoslavia, Rwanda and similar cases, the European Union had advocated close inter-agency cooperation and the involvement of all relevant Secretariat departments in considering operational arrangements for human rights activities. It would continue to support human rights field operations. In most situations, the success of those efforts was contingent upon complementary efforts in related areas. Building mechanisms that were able to coordinate humanitarian, development and human rights activities could be an appropriate solution, as had been demonstrated in Cambodia and El Salvador. Country-specific planning and adequate funding of the different components of an integrated strategy were essential.

7. In the Administrative Committee on Coordination (ACC), the High Commissioner for Human Rights had highlighted the objectives for system-wide action: assessment of the impact of agencies' policies and programmes on respect for human rights, and maintaining a permanent dialogue with the specialized agencies so as to promote human rights through systematic exchanges of information. Such an agenda was appropriate, since ACC had a role to play in the follow-up to all major international conferences in the economic and social field and since human rights had system-wide implications. Lastly, it was important to ensure that human rights activities received a sufficiently large share of regular budget resources to enable mandates to be implemented as intended.

8. Mr. SOTIROV (Bulgaria) said that all universally recognized human rights and fundamental freedoms should be respected unconditionally throughout the world. Mere accession to international human rights instruments was not enough to ensure their observance. Flagrant violations of human rights and fundamental freedoms persisted, despite the growing number of States parties to the main human rights instruments. It therefore remained essential to monitor the implementation of those rights and freedoms.

9. As a neighbouring country of the former Yugoslavia, Bulgaria had firmly supported a peaceful, lasting solution to the conflict in that territory. It welcomed the recent signing of the Dayton peace agreement, which provided the first real opportunity for a comprehensive settlement of the conflict. His delegation welcomed the suspension of Security Council sanctions and hoped that future developments would result in their being lifted completely and in an improvement in the human rights situation in the former Yugoslavia.

10. At the forty-ninth session of the General Assembly, his country had submitted a review of the situation of the Bulgarian minority in the Federal Republic of Yugoslavia (A/49/455). His Government attached particular importance to full implementation of the constitutionally recognized rights of the Bulgarian minority in that country, which were not as yet being fully respected, particularly with regard to the free expression of that minority's ethnic identity and national culture, education and the free exercise of religious rights in its mother tongue. In that connection, he noted with satisfaction the beginning of a bilateral dialogue and the expressed readiness of the Federal Republic of Yugoslavia to cooperate in a spirit of goodwill and take appropriate measures to guarantee the full implementation of all the rights of ethnic Bulgarians.

11. Those positive developments, however, had not substantially improved the human rights situation of the Bulgarian minority in Serbia. Information coming from the regions inhabited by ethnic Bulgarians there pointed to very few encouraging signs of change. Bulgarians in Serbia were still denied the right to express their ethnic identity through adequate education in their mother tongue and the preservation and development of their national traditions. The right to receive and impart information in Bulgarian continued to be limited. Bulgarians were still largely deprived of their right to profess religion in their own language and have priests of their ethnic origin. Contacts with Bulgaria, although guaranteed as a constitutional right, remained restricted and controlled. There were still hidden forms of pressure and assimilation, as well

as discrimination on ethnic grounds, especially in education and the civil service. His country's concern for the Bulgarian national minority in Serbia was motivated by the human rights situation there and should be viewed in the context of Bulgaria's determination to build stable and good-neighbourly relations with the Federal Republic of Yugoslavia.

12. Mr. FARCAS (Romania) said that his country, which was a party to virtually all international human rights instruments, believed that the universal ratification and implementation of those instruments would enhance the effectiveness of the world-wide promotion and protection of human rights. Romania welcomed the ongoing efforts of the Secretary-General and the High Commissioner for Human Rights to promote universal accession, inter alia through the preparation of a major study on the extent of reservations and through appropriate action at the regional level. The specific commitments made by the Member States that had attended the World Conference on Human Rights must be in line with the general understanding of human rights stemming from recognition of the universality of international human rights law.

13. Among its measures to implement international human rights instruments, Romania had enshrined in its new Constitution the principle whereby those instruments took precedence over domestic norms in the human rights field. His Government believed that States should cooperate fully with the United Nations treaty-monitoring and human rights bodies and support the work of the Organization's human rights machinery. His delegation welcomed the ideas contained in the report of the sixth meeting of persons chairing the human rights treaty bodies (A/50/505), particularly concerning cooperation by the specialized agencies with United Nations human rights structures, ways of enhancing observance of international human rights law and coordination of the entire United Nations human rights system in cases of massive violations. Romania commended the tremendous work done by the Office of the High Commissioner for Human Rights over the past year and encouraged the High Commissioner to continue to discharge his mandate in the same successful manner. Lastly, his delegation stressed the need to support the High Commissioner's proposals concerning his office and the Centre for Human Rights.

14. Mr. KULLA (Albania) expressed the hope that the thorough and objective reporting and the recommendations of the various special rapporteurs on the situation of human rights in individual countries would contribute to the restoration of full respect for human rights and fundamental freedoms.

15. There could be no internal stability in a country or region where there were continuing massive and gross violations of human rights such as those that had accompanied various armed conflicts during 1995. The civilian population was the most vulnerable in conflict situations, in that women and children were subjected to brutality and were under constant threat. Full respect for international humanitarian law was obligatory, and the violation of its norms during armed conflicts must be punished. Those responsible must be brought to justice in accordance with national legislation and international norms and impunity must be ended. The establishment of the International Tribunals for the former Yugoslavia and Rwanda was a positive development and permanent international structures along those lines should be established without delay.

16. His Government strongly condemned the massive violations of human rights committed in recent years in the former Yugoslavia, particularly ethnic cleansing, mass killings, summary executions, the rape of women and the use of torture. It was concerned that the fate of 8,000 civilians who had fled Srebrenica had yet to be established. The recent peace agreement gave reason to hope that the Bosnian tragedy would soon end and that the Balkan crisis would be resolved. He noted with satisfaction that human rights questions constituted a substantial part of the agreement.

17. The situation of human rights in Kosovo continued to deteriorate. As had been mentioned in several reports of the Special Rapporteurs on the former Yugoslavia, police repression against ethnic Albanians had continued, with illegal and violent searches of homes throughout Kosovo, killings, illegal arrests, the use of torture, the expropriation of property, the prosecution of political and human rights activists and trumped-up political trials. Ethnic Albanians also suffered discrimination in education and health care and had been dismissed from their jobs and evicted from their homes. Tensions had been heightened by the deliberate settlement of Serb refugees in Kosovo, as part of the Serbian authorities' policy of altering the ethnic composition of Kosovo.

18. As was noted in the Special Rapporteur's latest report, the vast majority of Kosovo's population lived in constant fear. Such a situation was intolerable and could degenerate at any time, posing a serious threat to international peace and security. The authorities in Belgrade had ignored expressions of international concern and had refused to comply with General Assembly resolution 49/204. The international community should therefore keep the grave human rights situation in Kosovo under consideration. He hoped that the new Special Rapporteur would pay particular attention to that situation and that the possibility would be considered of establishing an international monitoring presence in Kosovo. His Government had called repeatedly for a dialogue between the authorities in Belgrade and the legitimate representatives of the Albanians of Kosovo, in the presence of a third party in order to reach a peaceful settlement. It hoped that an appropriate, durable solution would be found, based on the will of the population, thereby contributing to respect for human rights and lasting peace in the region.

19. Mr. WANG Xuexian (China) said that the end of the cold war should have created new opportunities for the promotion and protection of human rights. Instead, human rights questions were still being politicized, demonstrating that some countries remained in thrall to a cold war mentality. Those countries were putting political and economic pressure on other States, interfering in their internal affairs and seeking to impose their own system of values upon them, on the pretext of promoting human rights.

20. As the next chapter in United Nations history began, China wished to propose new guidelines for international cooperation on human rights. Respect for the principles of national sovereignty and non-interference in the internal affairs of States was of paramount importance. While there was universal acceptance of many human rights, the different conditions obtaining in each country must be taken into account. The overwhelming majority of the world's population lived in developing countries and for them, while political and civil rights were important, economic, social and cultural rights, particularly the

right to subsistence and development, were paramount. United Nations human rights bodies must recognize that reality when defining their priorities. It was important to ensure that the promotion of human rights did not encroach upon the rule of law. Criminal offences must be recognized as such and punished according to the law. Lastly, reforms were needed to enhance the effectiveness of United Nations human rights mechanisms and overcome the problems of imprecise mandates and duplication of work. In particular, the membership of the Commission on Human Rights should be expanded to include more developing countries.

21. His Government was committed to the promotion and protection of human rights. As a developing country with a population of 1.2 billion, China was well aware of the importance of the rights to subsistence and development and the Government was striving to improve the economy and living standards. As a country with 56 ethnic groups, China also understood the importance of ethnic equality. While much remained to be done, the process of building a democratic society had begun.

22. Mr. MEKDAD (Syrian Arab Republic) said that the Vienna Declaration and Programme of Action had stated that all human rights were universal, interdependent and interconnected and that the international community should deal with human rights in a comprehensive, equitable and even-handed manner, while taking regional and cultural specificities into consideration. His country attached great importance to safeguarding and protecting economic, social, cultural, political and civil rights. The Constitution guaranteed every citizen full enjoyment of all his rights and provided for the primacy of the rule of law and the independence of the judiciary. Syria had ratified numerous human rights instruments, including the International Covenants.

23. Syrian citizens exercised their democratic rights within a multi-party system, electing representatives to the People's Assembly and participating in non-governmental organizations and other democratic institutions which worked to promote human rights and fundamental freedoms and to achieve cultural, social and economic development for all. His country believed that there could be no national development without the full participation of women. Women's issues and their role in society were therefore considered especially important.

24. Human rights were indivisible. It was therefore strange that a State should speak of human rights when it had been occupying the territory of other States for nearly 30 years, depriving millions of people of their fundamental freedoms and violating their human rights. That State had used torture, murder, destruction of property and deportation to oppress the Arab citizens of the Golan and southern Lebanon, going so far as to accuse those resisting its occupation and striving to regain their basic right to freedom of being terrorists. The Israeli authorities had also violated the human rights of the Arabs living under Israeli occupation, including their rights to self-expression, freedom of movement and development.

25. The greatest threat to human rights at the international level was the use of human rights to pursue political ends which had nothing to do with legal or moral considerations. It should be axiomatic that principles took precedence over self-interest at all times. Accordingly, selective or double standards in

dealing with human rights violations should be avoided; racist laws and practices, particularly ethnic cleansing and mass deportation, should be resisted regardless of their perpetrators or causes; all fundamental freedoms should be considered equally important; arbitrary, undemocratic methods should not be used in international relations on the pretext of defending the rights of the individual, since the will of the international community represented the free will of every State; and priority should be given to particularly serious human rights violations.

26. His Government was ready to cooperate with United Nations human rights bodies in order to benefit from their experience, especially with regard to the training of personnel. Due importance should be attached to the resolution adopted by the latest Conference of Heads of State and Government of Non-aligned Countries on the need to redress the unequal distribution of posts in the Centre for Human Rights through the recruitment of staff from developing countries.

27. His country was committed to the Universal Declaration of Human Rights and stood ready to work with the international community in bringing about a safer and a more stable, prosperous and peaceful world for all people everywhere.

28. Mr. DAHAB (Egypt) said that working to implement the principles of the Charter of the United Nations had been a cornerstone of Egypt's foreign policy ever since it had signed the Charter in 1945. Egypt was a party to various international human rights instruments and was working to bring its legislation into line with the letter and the spirit of those instruments. Its Constitution and legislation took Egypt's various commitments under those instruments into consideration, while respecting its own cultural characteristics, as recommended in the Vienna Declaration and Programme of Action. Egypt was conscientiously fulfilling its reporting obligations under the various instruments.

29. Egypt was cooperating with the Centre for Human Rights and had benefited from its support in promoting human rights concepts. Over the past three years, the Centre had prepared studies and training courses for Egyptian diplomats, lawyers and policemen which had helped to establish a culture of human rights in Egypt. His country was also cooperating fully with special rapporteurs. In implementing its obligations and handling human rights issues generally, Egypt was careful to ensure that human rights were dealt with impartially and apolitically.

30. Mr. SOAL (South Africa) said that respect for the human rights of all individuals was one of the most important principles enshrined in the Charter of the United Nations. In South Africa, the recent establishment of a Human Rights Commission and a Truth and Reconciliation Commission would have far-reaching consequences for human rights. Another important development had been the landmark ruling by the Constitutional Court declaring the death penalty to be illegal. South Africa had ratified the Convention on the Rights of the Child on the occasion of its own National Day of the Child. Parliament had approved the ratification of the Convention on the Elimination of All Forms of Discrimination against Women and, in 1996, would consider the ratification of the remaining international human rights instruments.

31. An important development in the international arena had been the decision taken by the Commission on Human Rights at its fifty-first session to delete from its agenda all items dealing with apartheid and South Africa and to terminate the mandates of the two investigatory mechanisms created to monitor the human rights situation in that country. His Government had formally invited the Centre for Human Rights to send a needs assessment mission to South Africa with a view to establishing a programme of technical assistance and advisory services.

32. The right to development was a fundamental human right. The Vienna Declaration and Programme of Action had demonstrated the need to strike a balance between civil and political rights, on the one hand, and economic, social and cultural rights, on the other. South Africa hoped that the affirmation of the importance of the right to development by the High Commissioner for Human Rights in his statement to the Third Committee would serve as a reminder of the need to continue support for the Working Group on the Right to Development.

33. South Africa had noted with concern the report of the Committee against Torture. The drafting of an optional protocol to the Convention against Torture would be an important step towards the elimination of torture throughout the world, and South Africa urged the international community to support the discussions currently taking place on that issue.

34. While significant progress had been made towards peace, democratization and respect for human rights in some countries, particularly in southern Africa, grave violations of human rights were continuing in many parts of the world. South Africa's own experience had demonstrated the effectiveness of the special rapporteurs and investigatory bodies appointed by the United Nations to combat such violations. He urged the international community to continue its support for those mechanisms.

35. Mr. FERNANDEZ PALACIOS (Cuba) said that the question of the strengthening of the Centre for Human Rights was of particular interest to his delegation. He drew the Committee's attention to section 21, on human rights, of the first report on the proposed programme budget for the biennium 1996-1997 (A/50/7) and to the report of the Office of Internal Oversight Services (A/49/892), in particular the section dealing with the programmes and administrative practices of the Centre for Human Rights. He suggested that the Chairman of the Advisory Committee on Administrative and Budgetary Questions (ACABQ) and the Under-Secretary-General for Internal Oversight Services should be invited to introduce those reports to the Committee. A draft resolution on that important question would be circulated shortly. In his view, the Committee would be better able to arrive at a consensus text after it had considered those documents.

36. Mr. WANG Xuexian (China) supported the proposal by the representative of Cuba. The importance of strengthening United Nations action in the field of human rights had been highlighted in the Vienna Declaration and Programme of Action. He hoped that the working group of the Third Committee entrusted with considering that issue would be able to arrive at a consensus. The financial implications of any reform of United Nations action in the human rights field must, however, be dealt with by the Fifth Committee.

37. Mr. RODRIGUEZ (Spain) said that the matters raised by the representative of Cuba came entirely within the purview of the Fifth Committee and that little purpose would be served by circulating the documents to which he had referred.

38. Ms. TAMLYN (United States of America) endorsed the statement by the representative of Spain. Given the division of labour between the Main Committees, it would not be appropriate for the Third Committee to consider the issues in question.

39. The CHAIRMAN suggested that the two documents should be made available as background documents.

40. It was so decided.

AGENDA ITEM 107: ADVANCEMENT OF WOMEN (continued)

Draft resolution A/C.3/50/L.25

41. Mrs. HORIUCHI (Japan), introducing draft resolution A/C.3/50/L.25, entitled "Strengthening the role of the United Nations Development Fund for women in eliminating violence against women" said that the Bahamas, Benin, Ethiopia, Poland, Singapore and Thailand had become sponsors. The eradication of violence against women had in recent years been recognized as an issue of the greatest urgency and one that must be addressed at all levels of society. The draft resolution was aimed at strengthening the role of UNIFEM in eliminating violence against women, as a priority of the follow-up to the Beijing Platform for Action. It requested that consideration be given to the possibility of establishing a trust fund, within the existing mandate, structure and management of UNIFEM, in support of national, regional and international actions, while recognizing the importance of coordination and cooperation among United Nations activities in that area. In that connection, she referred to General Assembly resolution 48/107, which had welcomed the advocacy initiatives of the United Nations Development Fund for Women, in particular with respect to efforts to combat violence against women, and had commended the Fund for its support of catalytic and innovative projects that strengthened national capacity to improve the situation of women. In the area of violence against women, the Fund was playing a catalytic role by supporting outreach, training and networking activities among relevant groups and by providing support for efforts to protect battered women refugees and to extend counselling, empowerment and education services to victims of domestic and sexual violence.

42. The draft resolution offered a means of providing the resources needed to tackle a serious global problem and encouraged the world community to participate more effectively in international efforts to eradicate violence against women. The sponsors believed that it would contribute to the further advancement of women and hoped that many countries would support its objectives. Consultations were still under way on the draft resolution and a revised version would be circulated shortly.

AGENDA ITEM 106: CRIME PREVENTION AND CRIMINAL JUSTICE (continued)

Draft resolution A/C.3/50/L.16

43. The CHAIRMAN announced that draft resolution A/C.3/50/L.16, entitled "United Nations African Institute for the Prevention of Crime and the Treatment of Offenders", had no programme budget implications.

44. Mr. SOAL (South Africa), introducing the draft resolution, said that in the last line of paragraph 4, the words "resolution 49/156 and" should be inserted between the words "Assembly" and "decision". Paragraph 5 should be deleted and the remaining paragraphs renumbered accordingly. In original paragraph 6, the phrases "to resume its assistance programme" and "which was ended in October 1994" should be deleted and, after the word "Programme" in the second line, the phrase "to reconsider its decision with regard to its financial support" should be added. The first part of that paragraph should thus read: "Requests the Administrator of the United Nations Development Programme to reconsider its decision with regard to its financial support to the Institute, and to ...".

45. A recorded vote was taken on paragraph 4, as orally revised.

In favour: Algeria, Angola, Antigua and Barbuda, Argentina, Bahrain, Bangladesh, Barbados, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Cameroon, Cape Verde, China, Colombia, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Djibouti, Egypt, Ethiopia, Gabon, Gambia, Ghana, Guinea, Guyana, Haiti, Honduras, India, Indonesia, Kenya, Kuwait, Lebanon, Lesotho, Libyan Arab Jamahiriya, Malawi, Malaysia, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Paraguay, Peru, Republic of Korea, Saudi Arabia, Senegal, Singapore, Solomon Islands, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Tunisia, Uganda, United Republic of Tanzania, Uruguay, Venezuela, Zambia.

Against: United States of America.

Abstaining: Afghanistan, Armenia, Australia, Austria, Azerbaijan, Belarus, Belgium, Bulgaria, Canada, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Guatemala, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Monaco, Netherlands, New Zealand, Norway, Portugal, Qatar, Republic of

Moldova, Romania, Russian Federation, Rwanda, Slovakia, Slovenia, Spain, Sweden, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland.

46. Paragraph 4, as orally revised, was adopted by 76 votes to 1, with 47 abstentions.*

47. Ms. TAMLYN (United States of America), speaking in explanation of vote, said that while her Government regretted that the United Nations African Institute for the Prevention of Crime and the Treatment of Offenders had been unable to establish a sound financial basis for its activities, it did not support regular budget funding for regional United Nations institutes. Her delegation also noted that General Assembly decision 49/480 called on the Secretary-General to establish criteria for the future funding of regional institutes and for the General Assembly to approve such criteria before approving any future requests for regular budget funding for regional institutes. To date, such criteria had not been established.

48. Mrs. HORIUCHI (Japan) said that her Government considered the African Institute's crime prevention activities to be vital and necessary and supported such initiatives. However, her delegation had abstained in the voting because it believed that the operating expenses of regional bodies should be funded by voluntary contributions from their members rather than by appropriations from the United Nations programme budget.

49. Mr. TARASSENKO (Russian Federation) said that his delegation also supported the activities of the African Institute. Given the financial difficulties of the United Nations, however, his delegation had abstained in the vote on paragraph 4. Extra resources for the Institute could be obtained either by redistributing existing resources or through the priority programme system.

50. Draft resolution A/C.3/50/L.16 as a whole was adopted without a vote.

51. Mr. ETUKET (Uganda), explaining his delegation's position, thanked the delegation of South Africa for its efforts to arrive at a consensus on the draft resolution as orally revised, as well as the delegations that had supported the resolution. While his delegation appreciated the continuing and increasing support of some delegations for the African Institute, it was disappointed that there were still those that questioned the role and usefulness of the Institute. At a time when crime prevention activities were being given priority by the Organization, such activities should be seen in the context not only of the crime prevention programme but also of regional crime prevention efforts. The Group of African States attached great importance to the role and functions of the Institute, and hoped that, in future, other delegations, particularly the one that continued to oppose it, would reconsider their decision.

52. His delegation's understanding of paragraph 4 was that the Secretary-General would continue to make proposals for supporting the Institute's

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* The delegation of Rwanda subsequently informed the Committee that it had intended to vote in favour of paragraph 4, as orally revised.

administrative functioning from the regular budget; it also hoped that the Secretary-General would continue to use his position as Chairman of ACC to mobilize extrabudgetary resources from the United Nations system as a whole to support the Institute's activities. It was in that context that his delegation would be looking at the various budgetary proposals being considered by the Fifth Committee for the financing of United Nations activities for the biennium 1996-1997. He hoped that all delegations would facilitate consensus adoption of the budget as a whole by supporting the Secretary-General's proposals with regard to the United Nations African Institute for the Prevention of Crime and the Treatment of Offenders.

53. The CHAIRMAN proposed that the Committee should recommend to the General Assembly that it take note of the note by the Secretary-General transmitting the report of the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders (A/50/373).

54. It was so decided.

The meeting rose at 12.35 p.m.